



10/30/2007

Scale: 1"= 200'  
Noticing Radius: 500 feet

**File No: PDC07-089**

**District: 6**

**Quad No: 82**

**PUBLIC NOTICE**  
**INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION**  
**CITY OF SAN JOSÉ, CALIFORNIA**

***Project File Number, Description, and Location***

Planned Development Rezoning from Unincorporated County to A(PD) Planned Development to allow up to 6 attached single-family residences on a 0.43 gross acre site located on the south side of Douglas Street approximately 200 feet easterly of S. Willard Avenue. (Basheer Salameh, Owner /Developer) Council District: 6

California State Law requires the City of San José to conduct environmental review for all pending projects that require a public hearing. Environmental review examines the nature and extent of any potentially significant adverse effects on the environment that could occur if a project is approved and implemented. The Director of Planning, Building & Code Enforcement would require the preparation of an Environmental Impact Report if the review concluded that the proposed project could have a significant unavoidable effect on the environment. The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed toxic sites are present. The project location **does not** contain a listed toxic site.

Based on an initial study, the Director has concluded that the project described above will not have a significant effect on the environment. We have sent this notice to all owners and occupants of property within 500 feet of the proposed project to inform them of the Director's intent to adopt a Mitigated Negative Declaration for the proposed project on **May 27, 2008**, and to provide an opportunity for public comments on the draft Mitigated Negative Declaration. The public review period for this draft Mitigated Negative Declaration begins on **May 6, 2008** and ends on **May 27, 2008**.

A public hearing on the project described above is tentatively scheduled for **May 28, 2008 at 6:30 p.m.** in the City of San Jose Council Chambers, 200 East Santa Clara Street, San Jose, CA 95113. The draft Mitigated Negative Declaration, initial study, and reference documents are available for review under the above file number from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San Jose Department of Planning, Building & Code Enforcement, City Hall, 200 East Santa Clara Street, San José CA 95113-1905. The documents are also available at the Dr. Martin Luther King, Jr. Main Library, 150 E. San Fernando St, San José, CA 95112, and the **Rose Garden Branch** Library, San José, CA, and online at <http://www.sanjoseca.gov/planning/eir/MND.asp> Adoption of a Negative Declaration does not constitute approval of the proposed project. The decision to approve or deny the project described above will be made separately as required by City Ordinance. For additional information, please call **Martina Davis** at (408) 535-3555.

Joseph Horwedel, Director  
Planning, Building and Code Enforcement

Circulated on: 5/06/2008

\_\_\_\_\_  
Deputy

## PUBLIC HEARING NOTICE

The Planning Commission and the City Council of the City of San José will consider a change in **ZONING** at a public hearing in accordance with the San José Municipal Code on:

**Planning Commission Hearing**  
**Wednesday, May 28, 2008**  
**6:30 p.m.**  
City Council Chambers  
City Hall  
200 East Santa Clara Street  
San Jose, CA 95113

**City Council Hearing**  
**Tuesday, June 17, 2008**  
**7:00 p.m.**  
City Council Chambers  
City Hall  
200 East Santa Clara Street  
San Jose, CA 95113

The project being considered is:

**PDC07-089. Planned Development Rezoning from Unincorporated County to A(PD) Planned Development to allow up to 6 attached single-family residences on a 0.43 gross acre site, located on the south side of Douglas Street approximately 200 feet easterly of S. Willard Avenue (1480 DOUGLAS ST) (Basheer Salameh, Owner). Council District 6. SNI: Burbank/Del Monte. CEQA: Mitigated Negative Declaration.**

Reports, drawings, and documents for this project are available for review during the week of the public hearing from 9:00 a.m. to 5:00 p.m., Monday through Friday at:


Department of Planning, Building and Code Enforcement  
200 East Santa Clara Street  
San José, CA 95113  
(408) 535-7800

<http://www.sanjoseca.gov/planning/hearings/>

You are welcome to attend and to speak on this issue. To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call (408) 535-7800 or (408) 294-9337 (TTY) at least two business days before the meeting. **Muốn biết tin tức bằng tiếng Việt Nam về tờ thông tin này, xin quý vị liên lạc Trung Nguyen ở số (408) 277-3068. Para información en Español acerca de esta solicitud, comuníquese con Juan Borrelli al (408) 535-7709.**

*\* If you choose to challenge this land use decision in court, you may be limited to only those issues you, or someone else, raised and discussed at the public hearing or in written correspondence delivered to the City at or prior to the public hearing.*

Comments and questions are welcome and should be referred to the **Project Manager, Martina Davis**, at the e-mail address: [martina.davis@sanjoseca.gov](mailto:martina.davis@sanjoseca.gov) in the Department of Planning, Building and Code Enforcement. Please refer to the above file number for further information on this project.



Joseph Horwedel, Director  
Dated: **April 28, 2008**



Lee Price, MMC, City Clerk  
Noticing Radius: **500 ft**

## **DRAFT MITIGATED NEGATIVE DECLARATION**

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

**NAME OF PROJECT:** Douglas Place

**PROJECT FILE NUMBER:** PDC07-089 and Sunol No. 80

**PROJECT DESCRIPTION:** Planned Development Rezoning from Unincorporated County to A(PD) Planned Development Zoning District to allow up to 6 single family attached residences on an approximately 0.43 gross acre site, annexation of the site to the City of San Jose, and subsequent permits.

**PROJECT LOCATION & ASSESSORS PARCEL NO.:** Southerly side of Douglas Street, approximately 150 feet easterly of Willard Avenue (1480 Douglas Street); APN 277-19-012

**COUNCIL DISTRICT:** 6

**NAME OF APPLICANT:** Silicon Valley Development Services

**MAILING ADDRESS AND PHONE NO. OF APPLICANT CONTACT PERSON:**

Ken Fuller, Silicon Valley Development Services, 360 Mapleton Avenue, Hollister, CA 95023  
408-640-8102

## **FINDING**

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this draft Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

## **MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL**

AESTHETICS-- The project will not have a significant impact on this resource, therefore no mitigation is required.

AGRICULTURE RESOURCES -- The project will not have a significant impact on this resource, therefore no mitigation is required.

AIR QUALITY-- The project will not have a significant impact on this resource, therefore no mitigation is required.

BIOLOGICAL RESOURCES-- The project will not have a significant impact on this resource, therefore no mitigation is required.

CULTURAL RESOURCES-- The project will not have a significant impact on this resource, therefore no mitigation is required.

GEOLOGY AND SOILS-- The project will not have a significant impact on this resource, therefore no mitigation is required.

HAZARDS AND HAZARDOUS MATERIALS-- The project will not have a significant impact on this resource, therefore no mitigation is required.

### HYDROLOGY AND WATER QUALITY--

#### **Construction**

- A Storm Water Pollution Prevention Plan (SWPPP) in compliance with the local NPDES permit shall be developed and implemented including: 1) site description; 2) erosion and sediment controls; 3) waste disposal; 4) implementation of approved local plans; 5) proposed post-construction controls, including description of local post-construction erosion and sediment control requirements; 6) Best Management Practices (BMPs) such as the use of infiltration of runoff onsite, first flush diversion, flow attenuation by use of open vegetated swales and natural depressions, stormwater retention or detention structures, oil/water separators, porous pavement, or a combination of these practices for both construction and post-construction period water quality impacts; and 7) non-storm water management.

#### **Post-Construction**

- The project shall incorporate site design, source control, and treatment measures to minimize the discharge of stormwater pollutants and limit the volume, velocity and duration of runoff, such as, but not limited to, the following:
  - Hydraulically-sized grassy swales shall be incorporated into the stormwater drainage design.
  - Roof drains shall discharge and drain into landscaped areas located away from the building foundation to an unpaved area wherever possible.
- A maintenance and monitoring program shall be developed at the PD Permit stage to the satisfaction of the Director of Planning.

- The maintenance and monitoring program shall be implemented to ensure that all stormwater treatment BMPs will be permanently maintained by the Homeowners' Association (HOA) for the life of the development, to the satisfaction of the Director of Planning.

LAND USE AND PLANNING -- The project will not have a significant impact on this resource, therefore no mitigation is required.

MINERAL RESOURCES -- The project will not have a significant impact on this resource, therefore no mitigation is required.

NOISE

- Windows and sliding glass doors shall have an STC 26 or higher rated windows and doors shall be installed at all living spaces.
- All units shall be equipped with forced air ventilation systems to allow the occupants the option of maintaining the windows closed to control noise, and maintain an interior noise level of 45 dB DNL.
- Prior to issuance of building permits, the developer shall retain a qualified acoustical consultant to check the building plans for all units to ensure that interior noise levels can be sufficiently attenuated to 45 dB DNL to the satisfaction of the Director of Planning, Building and Code Enforcement.
- Post-construction mechanical equipment, such as air conditioners, shall not exceed 55 dB at any property line
- Construction activities shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any onsite or offsite work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific construction noise mitigation plan and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.
- The contractor shall use "new technology" power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used on the project site shall be equipped with adequate mufflers and shall be in good mechanical condition to minimize noise created by faulty or poorly maintained engines or other components.
- Stationary noise-generating equipment shall be located as far as possible from sensitive receptors. Staging areas shall be located a minimum of 200 feet from noise-sensitive receptors, such as residential uses.

POPULATION AND HOUSING -- The project will not have a significant impact on this resource, therefore no mitigation is required.

PUBLIC SERVICES-- The project will not have a significant impact on this resource, therefore no mitigation is required.

RECREATION-- The project will not have a significant impact on this resource, therefore no mitigation is required.

TRANSPORTATION / TRAFFIC -- The project will not have a significant impact on this resource, therefore no mitigation is required.

UTILITIES AND SERVICE SYSTEMS -- The project will not have a significant impact on this resource, therefore no mitigation is required.

**PUBLIC REVIEW PERIOD**

Before 5:00 p.m. on **May 27, 2008**, any person may:

- (1) Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or
- (2) Submit written comments regarding the information, analysis, and mitigation measures in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND; or
- (3) File a formal written protest of the determination that the project would not have a significant effect on the environment. This formal protest must be filed in the Department of Planning, Building and Code Enforcement, 801 North First Street, San Jose, Room 400 and include a \$50 filing fee. The written protest should make a "fair argument" based on substantial evidence that the project will have one or more significant effects on the environment. If a valid written protest is filed with the Director of Planning, Building & Code Enforcement within the noticed public review period, the Director may (1) adopt the Mitigated Negative Declaration and set a noticed public hearing on the protest before the Planning Commission, (2) require the project applicant to prepare an environmental impact report and refund the filing fee to the protestant, or (3) require the Draft MND to be revised and undergo additional noticed public review, and refund the filing fee to the protestant.

Joseph Horwedel  
Director, Planning, Building and Code Enforcement

Circulated on: \_\_\_\_\_

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Deputy

Adopted on: \_\_\_\_\_

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Deputy